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*[Text of section added by 2010, 256, Sec. 122 effective May 4, 2012. See 2010, 256, Sec. 145 as amended by 2010, 359, Sec. 102.]*

Section 25. (a) For the purposes of this section, the following words shall have the following meanings:—

"Ice cream", any frozen dairy or frozen water-based food product.

"Ice cream truck", any motor vehicle used for selling, displaying or offering to sell ice cream.

"Ice cream truck vending", the selling, displaying or offering to sell ice cream or any other prepackaged food product from an ice cream truck.

"Permitting authority", the chief of police or the board or officer having control of the police in a city or town, or person authorized by them.

(b) No person shall engage in ice cream truck vending unless he shall have been issued a valid permit to do so by the permitting authority within the municipality wherein the permit applicant lives or intends to operate an ice cream truck. Such permit shall be conspicuously displayed and clearly visible on the windshield of any ice cream truck operated or from which ice cream or any other prepackaged food product is sold. Whoever violates this section shall be assessed a fine of \$500. Each day that such person is in operation in violation of this section may be considered a separate violation.

(c) The department of public safety shall adopt regulations relative to the annual permitting of ice cream truck vendors. Such regulations shall include, but not be limited to:

(i) a requirement that all applications for an ice cream truck vending permit or applications for renewal thereof shall include the applicant's fingerprints and a current photo of the applicant;

- (ii) adoption of a uniform permit application and permit form, to be used by all municipalities;
- (iii) a requirement that a permitting authority conduct an investigation into the criminal history of a permit applicant to determine eligibility therefore; and
- (iv) a provision restricting a permitting authority from issuing an ice cream truck vending permit to any sex offender, as defined by section 178C of chapter 6 of the General Laws.

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